

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

LARISSA NOVOA,

Plaintiff,

v.

CHIPOTLE MEXICAN GRILL, INC.,

Defendant.

CIVIL ACTION NO. _____

NOTICE OF REMOVAL

COMES NOW Defendant Chipotle Mexican Grill, Inc. (“Chipotle”), by and through its undersigned counsel, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby files its Notice of Removal of the above-styled action, originally filed in the 134th Judicial District Court of Dallas County, Texas, to the United States District Court for the Northern District of Texas. In support of removal, Chipotle provides the following “short and plain statement of the grounds for removal.” 28 U.S.C. § 1446(a).¹

I. NATURE OF THE ACTION

1. On or about December 28, 2020, Plaintiff Larissa Novoa commenced a civil action in the 134th Judicial District Court of Dallas County, Texas styled *Larissa Novoa v. Chipotle Mexican Grill, Inc.*, Case No. DC-20-19095 (the “State Court Action”). A copy of Plaintiff’s Original Petition (“Petition”) is included within the pleadings, process, and orders filed in the State Court Action attached hereto as **Exhibits A through H**.

¹ Chipotle is the named defendant and appears here in the exercise of its rights of removal under federal law. Chipotle reserves all procedural, substantive, and other defenses, arguments, and claims available in response to the Complaint.

2. The Petition sets forth causes of action for sexual harassment, discrimination, and retaliation under Chapter 21 of the Texas Labor Code. (Petition ¶ 7.2.)

II. REMOVAL IS PROPER BASED ON DIVERSITY OF CITIZENSHIP JURISDICTION

3. Removal of this case is proper under 28 U.S.C. § 1332 because this Court has original jurisdiction over this civil action based on the fact that complete diversity of citizenship exists and the amount in controversy exceeds \$75,000.00, exclusive of interests and costs.

4. Plaintiff in the State Court Action avers that she resides in and at all pertinent times was a resident of Irving, Dallas County, Texas. On information and belief, Plaintiff is a citizen of the state of Texas. (Petition ¶ 2.1.)

5. Chipotle is a business corporation incorporated under the laws of the State of Delaware. (Petition ¶ 2.2.) Chipotle's principal place of business is located in California. Therefore, Chipotle is a citizen of Delaware and California for purposes of diversity under 28 U.S.C. § 1332(c)(1). Accordingly, there is complete diversity of citizenship between the parties.

6. The amount in controversy exceeds \$75,000.00, exclusive of interest and costs. Plaintiff's Petition in the State Court Action specifically alleges that "Plaintiff seeks monetary relief over \$200,000 but not more than \$1,000,000, in addition to all other relief to which Plaintiff is entitled." (Petition ¶ 8.2.) Plaintiff seeks damages including back pay, front pay, damages for mental pain and mental anguish, compensatory damages, punitive damages, and attorneys' fees. (*Id.* ¶ 11.1.) Based on Plaintiff's allegations and request for damages, it is facially apparent that the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. *See Allen v. R & H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1995).

III. REMOVAL IS PROCEDURALLY PROPER

7. This Notice of Removal is timely under 28 U.S.C. § 1446(b). The Complaint was filed on December 28, 2020 and served on January 6, 2021. (See **Exhibit G**.) Because removal is made within thirty days of service, this Notice of Removal is timely. See 28 U.S.C. § 1446(b); *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347 (1999).

8. The United States District Court for the Northern District of Texas encompasses the place where this action was originally filed. See 28 U.S.C. § 1446(a).

9. Pursuant to 28 U.S.C. § 1446(a) and LR 81.1(a)(4)(A)–(C), an index of the documents filed in the State Court Action, the copy of the docket sheet in the State Court Action, and copies of all process, pleadings, and orders filed in the State Court Action are attached to this Notice of Removal as **Exhibits A through H**.

10. Pursuant to LR 81.1(a)(4)(D), a separately signed Certificate of Interested Persons that complies with LR 3.1(c) is attached hereto as **Exhibit I**.

11. Chipotle will concurrently file a Notice of Filing of Notice of Removal with the clerk of the state court in which the State Court Action was pending and serve a copy on Plaintiff's counsel, pursuant to 28 U.S.C. § 1446(a) and (d). Attached hereto as **Exhibit J** is a copy of the Notice of Filing Notice of Removal, excluding exhibits.

12. Pursuant to LR 81.1(a)(1) and (2), a completed civil cover sheet and a supplemental civil cover sheet are filed concurrently herewith.

13. Chipotle has paid the appropriate filing fee to the Clerk of this Court upon the filing of this Notice.

IV. NON-WAIVER OF DEFENSES

14. By filing this Notice of Removal, Chipotle does not waive any defenses available to it. Chipotle does not admit, and in fact specifically denies, that the Complaint states a claim

upon which relief may be granted, or that Plaintiff is entitled to any damages or any other relief sought in the Complaint.

V. REQUEST FOR ADDITIONAL ARGUMENTS AND EVIDENCE IF NEEDED

15. The factual allegations made in this pleading will be supported by affidavit or other summary-judgment-type evidence should the Court so request. *See, e.g., Allen*, 63 F.3d at 1336 (facts supporting removal ordinarily should be set out in the removal petition and the Court can later require summary-judgment-type evidence should questions about jurisdiction remain).

16. In the event Plaintiff files a motion or other request to remand, or the Court considers remand *sua sponte*, Chipotle reserves all rights to submit such additional argument and/or evidence in support of removal as may be necessary or appropriate, including evidence as to the amount in controversy or diversity of citizenship.

WHEREFORE, on the grounds stated above, this action is removed to and should proceed in the United States District Court for the Northern District of Texas.

Dated: February 5, 2021.

Respectfully submitted,

/s/ Shannon D. Norris

Shannon D. Norris

State Bar No. 00788129

Norris Law Firm PLLC

735 Plaza Boulevard, Suite 200

Coppell, Texas 75019

Telephone: (214) 396-4700 x110

Facsimile: (214) 396-4777

sdnorris@norrisfirm.com

-and-

Elizabeth Bulat Turner (*pro hac vice* application forthcoming)

Bar I.D. GA 558428

Robert J. Mollohan, Jr. (*pro hac vice* application forthcoming)

Bar I.D. GA 984253

MARTENSON, HASBROUCK & SIMON LLP

2573 Apple Valley Road NE

Atlanta, GA 30319

Telephone: (404) 909-8100

Facsimile: (404) 909-8120

bturner@martensonlaw.com

rmollohan@martensonlaw.com

Attorneys for Defendant Chipotle Mexican Grill, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2021 the foregoing **NOTICE OF REMOVAL** has been sent via ECF notice and email to Plaintiff's counsel:

Ricardo J. Prieto, Esq.
SHELLIST LAZARZ SLOBIN LLP
11 Greenway Plaza, Suite 1515
Houston, TX 77046
(713) 621-2277 (telephone)
(713) 621-0993 (facsimile)
rprieto@eeoc.net

/s/ Shannon D. Norris
Shannon D. Norris

Exhibit A

EXHIBIT A
to Notice of Removal

INDEX OF ALL DOCUMENTS FILED IN STATE COURT ACTION:

CAUSE NO. DC-20-19095

LARISSA NOVOA,

Plaintiff,

v.

CHIPOTLE MEXICAN GRILL, INC.,

Defendant.

In The

District Court

Dallas County, Texas

134th Judicial District

Exhibit	Document	Date
C	Plaintiff's Original Petition	12/28/20
D	Civil Process Request	12/28/20
E	Citation	12/29/20
F	Notice of Dismissal for Want of Prosecution on March 21, 2021 at 10:00 a.m.	01/06/21
G	Return of Service	01/07/21
H	Amended Citation	01/20/21

Exhibit B

Case Information

DC-20-19095 | LARISSA NOVOA vs. CHIPOTLE MEXICAN GRILL, INC.

Case Number
DC-20-19095
File Date
12/28/2020

Court
134th District Court
Case Type
EMPLOYMENT

Judicial Officer
TILLERY, DALE
Case Status
OPEN

Party

PLAINTIFF
NOVOA, LARISSA

Active Attorneys ▼
Lead Attorney
PRIETO, RICARDO J
Retained

DEFENDANT
CHIPOTLE MEXICAN GRILL, INC.

Address
SERVE REGISTERED AGENT, CORPORATION SERVICE COMPANY
211 E. 7TH STREET, SUITE 620
AUSTIN TX 78701

Events and Hearings

12/28/2020 NEW CASE FILED (OCA) - CIVIL

12/28/2020 ORIGINAL PETITION ▼

ORIGINAL PETITION

12/28/2020 REQUEST FOR SERVICE ▼

REQUEST FOR SERVICE

12/29/2020 ISSUE CITATION ▼

ISSUE CITATION - CHIPOTLE MEXICAN GRILL, INC.

ISSUE AMENDED CITATION - CHIPOTLE MEXICAN GRILL, INC.

01/04/2021 CITATION ▼

Served

01/05/2021

Anticipated Server

ESERVE

Anticipated Method

Actual Server

OUT OF COUNTY

Returned

01/07/2021

Comment

CHIPOTLE MEXICAN GRILL, INC.

01/06/2021 NOTICE OF DISMISSAL FOR WANT OF PROSECUTION ▼

NOTICE OF DISMISSAL FOR WANT OF PROSECUTION

01/07/2021 RETURN OF SERVICE ▼

EXECUTED CITATION - CHIPOTLE MEXICAN GRILL, INC.

Comment

EXECUTED CITATION - CHIPOTLE MEXICAN GRILL, INC.

01/20/2021 CITATION ▼

Unserved

Anticipated Server

ESERVE

Anticipated Method

Comment

AMENDED - CHIPOTLE MEXICAN GRILL, INC.

03/12/2021 DISMISSAL FOR WANT OF PROSECUTION ▼

134thDWOP-Rule 165A Letter

Judicial Officer
TILLERY, DALEHearing Time
10:00 AM**Financial**

NOVOA, LARISSA

Total Financial Assessment	\$340.00
Total Payments and Credits	\$340.00

12/29/2020	Transaction Assessment	\$340.00
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12/29/2020	CREDIT CARD - TEXFILE (DC)	Receipt # 80800-2020- DCLK	NOVOA, LARISSA	(\$340.00)
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Documents

REQUEST FOR SERVICE

ORIGINAL PETITION

ISSUE CITATION - CHIPOTLE MEXICAN GRILL, INC.

134thDWOP-Rule 165A Letter

NOTICE OF DISMISSAL FOR WANT OF PROSECUTION

EXECUTED CITATION - CHIPOTLE MEXICAN GRILL, INC.

ISSUE AMENDED CITATION - CHIPOTLE MEXICAN GRILL, INC.

Exhibit C

CAUSE NO. DC-20-19095

LARISSA NOVOA,

Plaintiff,

V.

CHIPOTLE MEXICAN GRILL, INC.,

Defendant.

In The

District Court

Dallas County, Texas

_____ Judicial District

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Larissa Novoa, (hereinafter referred to as “Novoa” or “Plaintiff”) Plaintiff, complains of Chipotle Mexican Grill, Inc. (hereinafter referred to as “the Company” or “Defendant”) Defendant, and for cause of action against it would show the Court as follows:

1. INTRODUCTION

- 1.1. This suit is brought pursuant to Rule 190.3 of the Texas Rules of Civil Procedure and is to be administered under Discovery Control Plan Level 2
- 1.2. Plaintiff demands a JURY TRIAL in this case under state common law and statutory entitlement as to any and all issues triable to a jury.
- 1.3. This action seeks legal and equitable relief, actual, compensatory damages, attorneys' fees, expert witness fees, taxable court costs, pre-judgment and post-judgment interest and all other relief granted by the court.

2. PARTIES

- 2.1. Plaintiff is a resident of Irving, Dallas County, Texas. At all pertinent times she was a resident of Irving, Dallas County, Texas.

- 2.2. Defendant is a Delaware corporation. The Company may be served with process by serving its registered agent: Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620 Austin, Texas 78701.

3. VENUE

- 3.1. Venue of this proceeding is proper in Dallas County, Texas pursuant to Texas Civil Practice & Remedies Code § 15.035 because Dallas County is the county in which all or part of the cause of action accrued and the county where Plaintiff resides.

4. JURISDICTION

- 4.1. The jurisdiction of this Court is invoked pursuant to the Texas Workforce Commission-Civil Rights Division, as codified in the Texas Labor Code 21.001, *et seq.* The jurisdiction of this Court is invoked to secure the protection of and redress the deprivation of rights secured by Chapter 21 of the Texas Labor Code. The unlawful employment practices were committed within the jurisdiction of this Court. The amount in controversy is within the jurisdictional limits of this Court.

5. PROCEDURAL REQUISITES

- 5.1. All conditions precedent to the filing of this action have been met by Plaintiff in that she has filed timely her complaint with the Texas Workforce Commission-Civil Rights Division (“TWC-CRD”) and has received her right-to-sue letter from said agency to pursue her claims under Chapter 21 of the Texas Labor Code.
- 5.2. Plaintiff dually filed a Charge of Discrimination against the Defendant with the EEOC and the TWC-CRD on or about April 29, 2020.

- 5.3. On or about November 14, 2020, Plaintiff received her Notice of Right to File a Civil Action issued by the TWC-CRD entitling her to file suit based on her claims of discrimination and retaliation.
- 5.4. The filing of this lawsuit has been accomplished within sixty (60) days of Plaintiff's receipt of the notice from the TWC-CRD.

6. FACTS

- 6.1. Plaintiff was employed at a Chipotle restaurant located at 118 E John Carpenter Fwy, Ste. 160, Irving, Dallas County, Texas as a "POS" (took down internet orders), and she also worked in the kitchen preparing produce and chips. Plaintiff was employed at Chipotle from on or about September 2019 through January 10, 2020.
- 6.2. On or about November, 2019, Plaintiff was sexually harassed and inappropriately touched by a coworker named Eric Edwards, who was a dishwasher at the restaurant. There were approximately three separate instances when Eric Edwards touched Plaintiff's buttocks and her body at the workplace. At no time was this consensual. Every time that Mr. Edwards inappropriately touched Plaintiff, she made it clear to him that she did not want him touching her.
- 6.3. Plaintiff first complained to her manager, Amber Reyes, in or about November 2019 regarding the sexual harassment. She complained again to her manager in early December 2019. Plaintiff also sent text messages to her manager regarding the sexual harassment she was suffering in the workplace.
- 6.4. After Plaintiff complained to her manager regarding the sexual harassment, her hours were reduced and she was demoted to a dishwasher position and sweeping/cleaning the floors.

- 6.5. When Plaintiff asked Chipotle about investigating her workplace issue, she was told by the Company that the case was closed, but nothing was done. To make matters worse, Chipotle continued to have Plaintiff work with the harasser. Plaintiff's managers would laugh at her concerning the situation and jokingly referred to the #metoo movement.
- 6.6. Soon after her December 2019 complaint to management, Plaintiff was terminated in January 2020. Chipotle did not permit her to return to the restaurant, but as of the date of Plaintiff's termination, the harasser was still allowed to work at the restaurant.

**7. CAUSES OF ACTION: CHAPTER 21 OF THE TEXAS LABOR CODE
SEXUAL HARASSMENT – SEXUAL DISCRIMINATION – RETALIATION**

- 7.1. Plaintiff incorporates by reference the preceding paragraphs as if fully set forth herein.
- 7.2. Defendant, by and through its agents and employees, has intentionally engaged in the aforementioned practices of sexual harassment, discrimination, and retaliation made unlawful by the Texas Labor Code.

8. DAMAGES

- 8.1. As a direct and proximate result of the aforementioned acts, Plaintiff has suffered economic loss, compensatory loss, and mental anguish.
- 8.2. Plaintiff is not bringing any federal claims in this lawsuit. The unlawful employment practices were committed within the jurisdiction of this Court. The amount in controversy is within the jurisdictional limits of this Court. Plaintiff seeks monetary relief over \$200,000 but not more than \$1,000,000, in addition to all other relief to which Plaintiff is entitled.

9. ATTORNEY'S FEES

- 9.1. Defendant's actions and conduct as described herein and the resulting damage and loss to Plaintiff has necessitated her retaining the services of SHELLIST LAZARZ SLOBIN

LLP, 11 Greenway Plaza, Suite 1515, Houston, Texas 77046, in initiating this proceeding. Plaintiff seeks recovery of reasonable and necessary attorneys' fees.

10. JURY DEMAND

- 10.1. Plaintiff hereby makes her request for a jury trial. A jury fee is being paid simultaneously with the filing of this Petition.

11. PRAYER

- 11.1. WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that Defendant be cited to appear and answer, and that on final hearing of this cause, Plaintiff has the following relief:

- 11.1.1. Judgment against Defendant for actual damages sustained by Plaintiff as alleged herein;
- 11.1.2. Pre-judgment interest at the highest legal rate;
- 11.1.3. Post-judgment interest at the highest legal rate until paid;
- 11.1.4. Back-pay;
- 11.1.5. Front-pay;
- 11.1.6. Damages for mental pain and mental anguish;
- 11.1.7. Compensatory damages;
- 11.1.8. Punitive damages;
- 11.1.9. Attorneys' fees;
- 11.1.10. All costs of court expended herein;
- 11.1.11. Such other and further relief, at law or in equity, general or special to which Plaintiff may show she is justly entitled.

Respectfully submitted,

SHELLIST | LAZARZ | SLOBIN LLP

/s/ Ricardo J. Prieto

Ricardo J. Prieto

Texas Bar No. 24062947

rprieto@eeoc.net

11 Greenway Plaza, Suite 1515

Houston, Texas 77046

(713) 621-2277 (Tel)

(713) 621-0993 (Fax)

ATTORNEY FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Susan Cavanaugh on behalf of Ricardo Prieto
Bar No. 24062947
scavanaugh@eeoc.net
Envelope ID: 49257748
Status as of 12/29/2020 1:40 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Ricardo JPrieto		rprieto@eeoc.net	12/28/2020 5:35:58 PM	SENT
Susan Cavanaugh		scavanaugh@eeoc.net	12/28/2020 5:35:58 PM	SENT

Exhibit D

CIVIL PROCESS REQUEST

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED
--

CASE NUMBER: DC-20-19095 CURRENT COURT: _____

TYPE OF INSTRUCTION TO BE SERVED (See Reverse for Types): **PLAINTIFF'S ORIGINAL PETITION**

FILE DATE OF MOTION: 12/ 28/ 2020
Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In the Pleading To Be Served):

1. NAME: **CHIPOTLE MEXICAN GRILL, INC.**

ADDRESS: **c/o Corporation Service Company d/b/a CSC-Lawyers Incorporating
Service Company, Registered Agent
211 E. 7th Street, Suite 620
Austin, Texas 78701**

TYPE OF SERVICES/PROCESS TO BE ISSUED (see reverse for specific type):

SERVICE BY (check one):

☐ ATTORNEY PICK-UP ☐ CONSTABLE
CIVIL PROCESS SERVER - Authorized Person to Pick-up:

☐ MAIL ☐ CERTIFIED MAIL

☐ PUBLICATION:

Type of Publication: ☐ COURTHOUSE DOOR, or
☐ NEWSPAPER OF YOUR CHOICE:

■ **OTHER, explain Please email Citation to: scavanaugh@eeoc.net**

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: **RICARDO J. PRIETO** TEXAS BAR NO./ID NO. **24062947**

MAILING ADDRESS: **SHELLIST | LAZARZ | SLOBIN LLP**

11 Greenway Plaza, Suite 1515

Houston, TX 77046

AREA CODE: **(713)** TELEPHONE NO. **621-2277**

SERVICE REQUEST WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE. SERVICE REQUESTS MAY BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES
--

Exhibit E

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

**To: CHIPOTLE MEXICAN GRILL, INC.
SERVE REGISTERED AGENT CORPORATION SERVICE COMPANY
211 E 7TH STREET SUITE 620
AUSTIN TX 78701**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **134th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **LARISSA NOVOA**

Filed in said Court **28th day of December, 2020** against

CHIPOTLE MEXICAN GRILL, INC.

For Suit, said suit being numbered **DC-20-19095**, the nature of which demand is as follows:
Suit on **EMPLOYMENT** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 4th day of January, 2021.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By Kari Malone, Deputy
KARI MALONE



ESERVE

CITATION

DC-20-19095

**LARISSA NOVOA
vs.
CHIPOTLE MEXICAN GRILL, INC.**

**ISSUED THIS
4th day of January, 2021**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: KARI MALONE, Deputy

**Attorney for Plaintiff
RICARDO J. PRIETO
11 GREENWAY PLAZA, SUITE 1515
HOUSTON, TEXAS 77046
(713) 621-2277
RPRIETO@EEOC.NET**

**DALLAS COUNTY
SERVICE FEES
NOT PAID**

OFFICER'S RETURN

Case No. : DC-20-19095

Court No.134th District Court

Style: LARISSA NOVOA

vs.

CHIPOTLE MEXICAN GRILL, INC.

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____M. Executed at _____,
within the County of _____ at _____ o'clock _____M. on the _____ day of _____,
20_____, by delivering to the within named _____

each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____

For mileage \$ _____ of _____ County, _____

For Notary \$ _____ By _____ Deputy

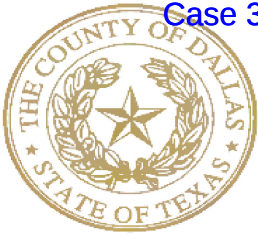
(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20 _____,

to certify which witness my hand and seal of office.

Notary Public _____ County _____

Exhibit F



JUDGE DALE TILLERY PRESIDING

134TH JUDICIAL DISTRICT COURT
600 Commerce St., 6th Floor, Room 650
Dallas, Texas 75202-4606
214/653-7546 -- 134th Ct. Clerk
214/653-6995 -- Ct. Coordinator
fly@dallascourts.org

January 06, 2021

RICARDO J PRIETO
11 GREENWAY PLAA
SUITE 1515
HOUSTON TX 77046

Re: LARISSA NOVOA vs. CHIPOTLE MEXICAN GRILL, INC.
DC-20-19095

All Counsel of Record/Pro Se Litigants:

Pursuant to Rule 165A of the Texas Rules of Civil procedure, and the inherent power of the Court, the above case is set for dismissal on:

March 12, 2021 at 10:00 AM

If **NO ANSWER** has been filed you are expected to have moved for a default judgment on or prior to the above stated date. Failure to move for a default judgment will result in the dismissal of the case on the above date.

If you have been unable to obtain service of process and you wish to retain the case on the docket, you must appear on the above date, either by appearance at the dismissal docket hearing or by a filed motion to retain the case on the docket, unless you have obtained a new setting from the court coordinator.

Sincerely,


DALE TILLERY
Presiding Judge

DBT/fl
pc: RICARDO J PRIETO

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 49467287

Status as of 1/7/2021 12:50 PM CST

Associated Case Party: LARISSA NOVOA

Name	BarNumber	Email	TimestampSubmitted	Status
Ricardo Prieto	24062947	rprieto@eeoc.net	1/6/2021 6:17:39 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
RICARDO JPRIETO		RPRIETO@EEOC.NET	1/6/2021 6:17:39 PM	SENT
Francine Ly		fly@dallascourts.org	1/6/2021 6:17:39 PM	SENT

Exhibit G

AFFIDAVIT OF SERVICE

State of Texas

County of Dallas

134th Judicial District Court

Case Number: DC-20-19095

Plaintiff:

LARISSA NOVOA

vs.

Defendant:

CHIPOTLE MEXICAN GRILL, INC.

Received by STINNETT PROCESS, LLC on the 4th day of January, 2021 at 3:36 pm to be served on **Chipotle Mexican Grill, Inc. c/o R/A: Corporation Service Company, 211 East 7th Street, Suite 620, Austin, TX 78701.**

I, Barbara C. Stinnett, being duly sworn, depose and say that on the **6th day of January, 2021 at 1:30 pm,**
I:

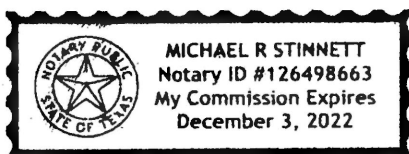
Delivered a true copy of the **Citation, Plaintiff's Original Petition** with the date of service endorsed thereon by me, to **Chipotle Mexican Grill, Inc. c/o R/A: Corporation Service Company**, by delivering to its designated agent, **John Spidel**, at the address of **211 East 7th Street, Suite 620, Austin, TX 78701, Travis County**, and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

State of Texas, County of Travis

Subscribed and Sworn to before me on the 06
day of January, 2021 by the affiant
who is personally known to me.


NOTARY PUBLIC





Barbara C. Stinnett
PSC-1181; Exp: 07/31/2022

STINNETT PROCESS, LLC
15511 HWY 71 WEST
STE. 110-143
BEE CAVE, TX 78738
(512) 797-3399

Our Job Serial Number: SNN-2021000029
Ref: 2021.01.525450

Exhibit H

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

**To: CHIPOTLE MEXICAN GRILL, INC.
SERVE REGISTERED AGENT CORPORATION SERVICE COMPANY
211 E 7TH STREET SUITE 620
AUSTIN TX 78701**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the 134th District Court at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **LARISSA NOVOA**

Filed in said Court **28th day of December, 2020** against

CHIPOTLE MEXICAN GRILL, INC.

For Suit, said suit being numbered **DC-20-19095**, the nature of which demand is as follows:
Suit on **EMPLOYMENT** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 20th day of January, 2021.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By *Kari Malone*, Deputy
KARI MALONE



ESERVE

CITATION

DC-20-19095

LARISSA NOVOA

vs.

CHIPOTLE MEXICAN GRILL, INC.

**ISSUED THIS
20th day of January, 2021**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: KARI MALONE, Deputy

**Attorney for Plaintiff
RICARDO J. PRIETO
11 GREENWAY PLAZA, SUITE 1515
HOUSTON, TEXAS 77046
(713) 621-2277
RPRIETO@EEOC.NET**

**DALLAS COUNTY
SERVICE FEES
NOT PAID**

OFFICER'S RETURN

Case No. : DC-20-19095

Court No.134th District Court

Style: LARISSA NOVOA

vs.

CHIPOTLE MEXICAN GRILL, INC.

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M. Executed at _____,
within the County of _____ at _____ o'clock _____ .M. on the _____ day of _____,
20_____, by delivering to the within named _____

each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____

For mileage \$ _____ of _____ County, _____

For Notary \$ _____ By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20 _____,

to certify which witness my hand and seal of office.

Notary Public _____ County _____

Exhibit I

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

LARISSA NOVOA,

Plaintiff,

v.

CHIPOTLE MEXICAN GRILL, INC.,

Defendant.

CIVIL ACTION NO. _____

CERTIFICATE OF INTERESTED PERSONS

Pursuant to Fed. R. Civ. P. 7.1 and LR 3.1(c), LR 3.2(e), LR 7.4, LR 81.1(a)(4)(D), and LR 81.2, Defendant Chipotle Mexican Grill, Inc. (“Chipotle”), by and through its undersigned counsel, provides the following information:

For a nongovernmental corporate party, the name(s) of its parent corporation and any publicly held corporation that owns 10% or more of its stock: None. Chipotle Mexican Grill, Inc. is a publicly traded corporation and has no parent company. As of February 5, 2021, Chipotle Mexican Grill, Inc. is aware that The Vanguard Group, Inc., while not a publicly-owned corporation, filed on February 12, 2020 with the U.S. Securities and Exchange Commission a report on Schedule 13G/A reflecting ownership by The Vanguard Group, Inc. and its affiliates, including through its publicly available Vanguard mutual fund families and other investment portfolios, of shares of common stock of Chipotle Mexican Grill, Inc. that exceed 10% of the total shares of such common stock outstanding as of the date hereof.

A complete list of all persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities that are financially interested in the outcome of the case: Chipotle Mexican Grill, Inc. has the following subsidiary corporations: CMG Strategy Co., LLC, CMG Pepper, LLC,

Chipotle Mexican Grill of Colorado, LLC, Chipotle Mexican Grill of Maryland, LLC, Chipotle Mexican Grill of Kansas, LLC, Chipotle Services, LLC, Chipotle Mexican Grill U.S. Finance Co., LLC, CMGGC, LLC, Chipotle Mexican Grill Texas Holdings, LLC, Chipotle Texas, LLC, Chipotle Mexican Grill Canada Corp., Chipotle Mexican Grill Holdings GmbH, Chipotle Mexican Grill UK Limited, Chipotle Mexican Grill France SAS, Chipotle Mexican Grill Germany GMBH, CMG Concessions, LLC, PL Restaurant Holdings, LLC, and EMEA Tortilla, Ltd.

Dated: February 5, 2021

Respectfully submitted,

/s/ Shannon D. Norris

Shannon D. Norris
State Bar No. 00788129
Norris Law Firm PLLC
735 Plaza Boulevard, Suite 200
Coppell, Texas 75019
Telephone: (214) 396-4700 x110
Facsimile: (214) 396-4777
sdnorris@norrisfirm.com

-and-

Elizabeth Bulat Turner (*pro hac vice* application forthcoming)
Bar I.D. GA 558428
Robert J. Mollohan, Jr. (*pro hac vice* application forthcoming)
Bar I.D. GA 984253
MARTENSON, HASBROUCK & SIMON LLP
2573 Apple Valley Road NE
Atlanta, GA 30319
Telephone: (404) 909-8100
Facsimile: (404) 909-8120
bturner@martensonlaw.com
rmollohan@martensonlaw.com

Attorneys for Defendant Chipotle Mexican Grill, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2021 the foregoing **CERTIFICATE OF INTERESTED PERSONS** has been sent via ECF notice and email to Plaintiff's counsel:

Ricardo J. Prieto, Esq.
SHELLIST LAZARZ SLOBIN LLP
11 Greenway Plaza, Suite 1515
Houston, TX 77046
(713) 621-2277 (telephone)
(713) 621-0993 (facsimile)
rprieto@eeoc.net

/s/ Shannon D. Norris
Shannon D. Norris

Exhibit J

CAUSE NO. DC-20-19095

LARISSA NOVOA,

Plaintiff,

v.

CHIPOTLE MEXICAN GRILL, INC.,

Defendant.

In The

District Court

Dallas County, Texas

134th Judicial District

NOTICE OF FILING NOTICE OF REMOVAL

TO: The Clerk of District Courts, Dallas County, Texas.

PLEASE TAKE NOTICE that on the 5th day of February, 2021, the defendant filed a Notice of Removal of this case in the United States District Court for the Northern District of Texas, a copy of which notice is attached hereto as Exhibit A.

Dated: February 5, 2021.

Respectfully submitted,

/s/ Shannon D. Norris

Shannon D. Norris

State Bar No. 00788129

Norris Law Firm PLLC

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Coppell, Texas 75019

Telephone: (214) 396-4700 x110

sdnorris@norrisfirm.com

Attorney for Defendant Chipotle Mexican Grill, Inc.

EXHIBIT A

(Notice of Removal)

CERTIFICATE OF SERVICE

I certify that I caused a copy of the foregoing Notice of Filing Notice of Removal to be served upon the following by electronic service on February 5, 2021:

Ricardo J. Prieto, Esq.
SHELLIST LAZARZ SLOBIN LLP
11 Greenway Plaza, Suite 1515
Houston, TX 77046
(713) 621-2277 (telephone)
(713) 621-0993 (facsimile)
rprieto@eeoc.net

/s/ Shannon D. Norris

Shannon D. Norris